IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 1971 OF 2007

Mohd. Shafi Ahmedmiyan Bangi.... Petitioner

versus

Rafiq Ahmed Ansari & ors..... Respondent.

Shri P.J.Das for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 12TH APRIL, 2007

P.C.;

1. A decree came to be passed in favour of the original plaintiff/respondnet herein directing the petitioner to hand over the possession of the suit premisses together with all the machinery, equipment and instruments which are specifically described in the Appendix which was attached and form part of the plaint. In execution of the said decree, possession of the premisses has been received. However many articles, equipments and instruments were found missing. Hence the decree holder moved an application for valuation of the missing articles and for an appropriate order for recovery of the amount of the missing articles. The executing court permitted the parties to lead evidence and after consideration thereof,has passed an order issuing warrant of

attachment of movables of the judgment debtor. It is this order of issuance of warrant of attachment, which is challenged by filing the present petition.

2. The learned counsel for the petitioner objects to the order by contending that the decree has not specified the valuation of the missing articles and executing court culd not have done that exercise. I do not find any merit in the said submission. Hence writ ptition is summarily dismissed.

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